

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JOHN THOMSON,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 1:23-CV-00099-SEB-MG
)	
ROCHE DIAGNOSTICS CORPORATION,)	
)	
Defendant.)	

**PLAINTIFF’S BRIEF IN SUPPORT OF UNOPPOSED
MOTION TO MAINTAIN DOCUMENTS UNDER SEAL**

Plaintiff John Thomson (“Thomson”), by counsel, and pursuant to Southern District of Indiana Local Rule 5-11, hereby submits his Brief in Support of Unopposed Motion to Maintain Documents Under Seal.

Thomson has sued his former employer, Defendant Roche Diagnostics Corporation (“Roche”), for breach of contract and wage claims under the Indiana Wage Payment Act. Dkt. 1-1. Thomson originally filed his Complaint in state court on December 13, 2022, at which time he filed the Exhibits to his state court Complaint under seal. *Id.* at 9. On January 17, 2023 Roche removed the case to federal court. Dkt. 1. The sealed Exhibits to Thomson’s state court Complaint were not included in the Complaint as transferred from state court to federal court. *See* Dkt. 1-1.

Thomson is seeking leave to file an Amended Complaint, which would add legal claims regarding his compensation for the year 2022 which arose after filing his original Complaint. Thomson seeks to file all five Exhibits to the First Amended Complaint (Exhibits A through E) under seal, as they contain and extensively refer to confidential and proprietary information regarding Roche’s compensation structure.

The Exhibits to the First Amended Complaint should be kept sealed from the public because each Exhibit contains confidential and proprietary information about Roche's compensation structure with its employees. The Exhibits are Defendant's Incentive Compensation Plan ("ICP") documents for Plaintiff for the years 2018, 2019, 2020, 2021, and 2022. Here, Plaintiff's interest in the privacy of information about his compensation structure and Defendant's interest in the privacy of their sensitive, proprietary business information significantly outweighs the public's interest in access to such records.

Less restrictive alternatives to sealing, such as redaction, are not sufficient. Since this case is about breach of Thomson's employment contract and nonpayment of owed wages under the Indiana Wage Payment Act, the confidential and proprietary information about Roche's compensation is relevant to the case, and redaction of this confidential and proprietary information would prevent the court from obtaining full context for the matters at issue.

Thomson has not filed any other documents under seal in federal court at this time, and is not seeking to maintain any other documents under seal aside from the Exhibits to the First Amended Complaint.

The undersigned counsel consulted with Defendant's counsel, David A. Campbell, about this motion. Defendant's counsel has no objection to this motion.

For the reasons stated herein, Plaintiff respectfully requests that the Court grant his Unopposed Motion to Maintain Documents Under Seal.

Dated: March 7, 2023

/s/ Mary T. Morris

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